



FEDERAL ELECTION COMMISSION

Washington, DC 20463

MEMORANDUM

TO: Rosemary Smith
Acting Associate General Counsel

FROM: Office of the Commission Secretary *MWD*

DATE: February 13, 2004

SUBJECT: *Ex Parte* Communication regarding BCRA

Attached is a *ex parte communication* sent to the Commissioners from Democratic Leader Tom Daschle , Senator Christopher J. Dodd, Ranking Member of the Committee on Rules and Administration, Harry Reid, Assistant Democratic Leader, Senators Dianne Feinstein, Thomas R. Carper, Richard J. Durbin, Daniel K. Inouye, and Frank R . Lautenberg.

cc: Commissioners
Staff Director
General Counsel
Press Office
Public Disclosure

Attachment

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

United States Senate

WASHINGTON, DC 20510

RECEIVED
FEC MAIL
OPERATIONS CENTER

2004 FEB 13 P 4: 03

2004 FEB 13 P 3: 20

February 12, 2004

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Dear Commissioners:

We are aware that the Commission may soon address questions that have been raised about get-out-the-vote, voter registration, and other activities conducted by political organizations, other than parties, and tax-exempt advocacy groups.

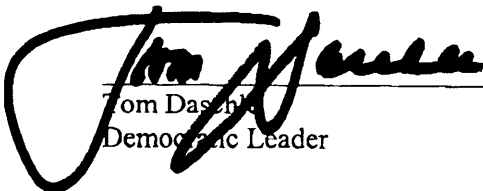
In the course of the public discussion of these issues, however, claims have been made about the support provided by the Bipartisan Campaign Reform Act ("BCRA") legislation for these initiatives. One Commissioner, in a recent letter to *Roll Call*, stated:

At the very least, serious questions exist whether outside groups are circumventing the McCain-Feingold law, and these must be addressed. In the weeks ahead, it will be critical that the sponsors of the McCain-Feingold law indicate whether they believe outside tax-exempt groups can legally spend unlimited soft money on election-related activities in the place of the national political parties under the new law.

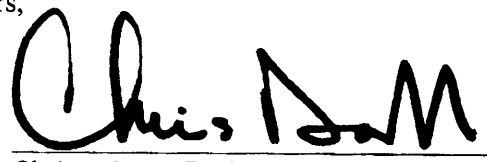
We are writing to say for the record that, whatever decisions the Commission chooses to make, BCRA reflects in very clear and specific terms the choices that Congress made in reforming our federal campaign finance laws. Our principal concern was the soft money solicited, received, directed and spent by parties and federal elected officials – money that presents the clearest danger of conflict of interest, in fact or appearance. With the exception of "electioneering communications," the law did not aim similar restrictions at political organizations or tax-exempt groups that are neither controlled by, nor coordinated with, parties or candidates.

If the Commission chooses to impose new restrictions on the programs and activities of these groups, it should not proceed on the basis of some perceived mandate on this issue from the Congress in BCRA.

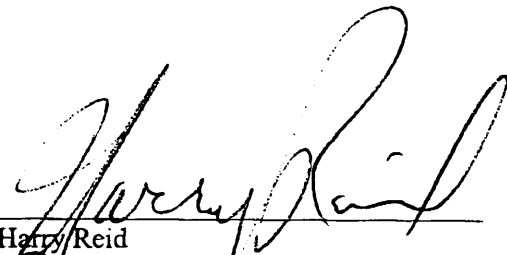
Very truly yours,



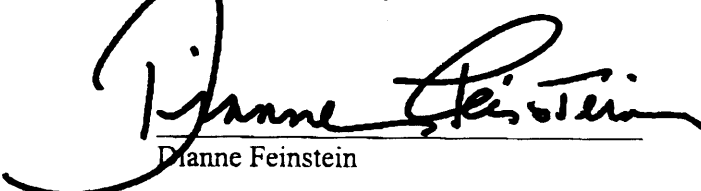
Tom Daschle
Democratic Leader



Christopher J. Dodd
Ranking Member
Committee on Rules and Administration



Harry Reid
Assistant Democratic Leader




Dianne Feinstein



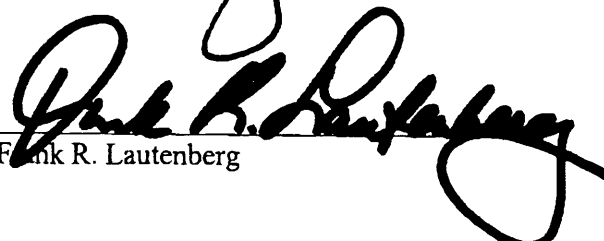
Thomas R. Carper



Richard J. Durbin



Daniel K. Inouye



Frank R. Lautenberg